

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that the Commissioner's motion for summary judgment be denied, and the plaintiff's motion for summary judgment be granted to extent that it requests that the case be remanded to the Commissioner. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and

Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the Commissioner's motion for judgment on the pleadings [Doc. 15] is **DENIED**; the plaintiff's motion for summary judgment [Doc. 11] is **GRANTED**, to the extent that the case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings to determine the effect of plaintiff's mental impairments and limitations upon his residual functional capacity.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge